



## Exploring the “Probate Records” in Norway

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This class is designed to teach family history researchers how to find ancestors in the Probate records for Norway.

### Objectives:

Researches will be able to find ancestors in:

- Verdslig (City or Rural Probate official)
- Probate index cards
- Geistlig (clerical or deanery)

### Background:

Probate records are court records that describe the distribution of a person's estate. These records are very helpful for genealogical research because in many areas the authorities began recording probate actions before the earliest birth and death records.

Probates can also give us a more personal glimpse into the life of an ancestor, because of the detailed description of personal property. However, *a probate record was not created for every person who died.*

Probate records are one of the most accurate sources of genealogical evidence because they are legal documents.

Relationships noted in the probate record may not always have the same meaning as they do today. For instance a brother-in-law may be recorded as a brother. Legally, this was the same relationship.

Probate records are a rich source of information about individuals and their places in society, especially after the 1650's when these records are fairly abundant and few other sources are available.

Most probate records start around 1687, when a law was written in order to have a more systematic, legal procedure and to better protect the rights of minor heirs. Some probate records start earlier, but those were part of the general court records. Many probates were conducted privately, the heirs themselves dividing the property and paying the debts. The only

probates that took place in court were those where the heirs could not agree on the division of property, and it became a matter for the court to resolve the differences.

There are 4 different kinds of probates:

- rural (Sorenskriveri)
- city (Byfogderi) usually indexed by last name
- prosti (ecclesiastical deanery) or bispedømme (office of bishop)
- military (1690-1824) kept by the regiment commander who presided over probates for his commissioned officers

Most of the people you will search for will probably be listed in the probate records in the rural area, but you will find some in the cities as well.

An ecclesiastical probate jurisdiction, on the level of Prosti (deanery) was set up for the clergy, sextons and schoolteachers in 1661. This separate probate record was terminated in 1809, some districts continuing this practice until the year 1812 or later.

The military regiment or garrison commander had the right to preside over the probates of his commissioned officers. This was in effect from 1690 until 1824.

### **The Probate Law:**

The law of 1687 stated that the surviving spouse should inherit 50% of the estate, and the children should divide the other 50%, a male child's lot being twice that of a female child's lot. Much later in the late 1800's the law was changed so that a daughter inherited the same amount as a son.

If a woman was pregnant at the time of her husband's death, she had the right to keep possession of all belongings until after the birth of the child, so that the newborn would be part of the division of the property. This is in Norwegian called *uskiptet bo* (un-probated estate).

The law provided very definitely who was to be the *verge* (guardian) for the children, if they were minors (under 25). If there were no relatives available to represent the children, the court would appoint a guardian for them. See: [https://familysearch.org/learn/wiki/en/Norway\\_Guardianship](https://familysearch.org/learn/wiki/en/Norway_Guardianship)

A surviving widow had to have a *laugverge* (law-guardian) to represent her during the proceedings. He was more of a spokesman, since a woman could own property, and she made her own decisions regarding her property. This was often a relative, much after the same pattern as the guardian for children. It could be her father, her brother, uncle or cousin, but a widow could choose her own spokesman.

Usually the firstborn son in a family had the *Odel/srett* (allodial birthright) to the real estate. If he, for some reason, should lose the property, he or his children could take it back if he could prove the *odel/srett*. He did not inherit the property free and clear, as far a value goes, he did not inherit more than his siblings, and he had to either pay them off or give them part ownership in the property.

If there were no children in a marriage, the property of the deceased person's portion reverted back to his or her family; the parents if they were still living, or siblings, or their children.

A decree of 1697 required that the surviving spouse should report the death when there were heirs to the deceased's estate. From this time on the probates become more detailed.

In 1775 a royal decree required that every death should be reported to the probate officials by the *lensmann* (sheriff) in the rural communities. This is still the case today.

In 1830 and still valid today, there was a change in the probate law, specifically on how the probate should be recorded, but these last changes do not affect genealogical research.

The fee for the probate services was a small percentage of the value of the estate. The probate judge was paid well for his services. So were his scribe, the sheriff and the two appraisers whom the court appointed to estimate the value of each item of the estate. These appraisers could not, according to the law, be related to the people affected by the probate. A fee also was paid for the *stemplet papir* (paper stamped with official mark) on which the probate was recorded for the family to keep as their deed and proof of inherited property. There was also a small percentage allocated for the support of the justice system (jail), and at various times for other official business. Sometimes, these fees took enough out of the probate to make it a hardship for a family, and since the fees were paid "in kind," the most expensive property often went to the officials.

See website: Probate Records in Norway:

[https://familysearch.org/learn/wiki/en/Norway\\_Probate\\_Records](https://familysearch.org/learn/wiki/en/Norway_Probate_Records)

Probate records are important because they include:

- Name of the person (deceased)
- Occupation
- The date probate was started (sometimes death date)
- Name of surviving spouse
- Heirs
- Guardian for under aged children
- Guardian for wife (laugverge)
- Relationships
- Residences
- Estate inventory
- Witnesses

Probates can be accessed on microfilm at FamilySearch.org and choose "catalog;" as well as at Digitalarkivet (The Digital Archives) of Norway at <http://arkivverket.no/eng/digitalarkivet> and choose "Digitized Probate Documents."

## Probate Indexes

Most of the Norwegian probates are indexed. There are different types of indexes and you need to be familiar with these indexes. The word for index is *register* and when you search the Family History Library catalog, it will always reflect if a probate record is indexed. For some records, the index was made at the time the record was made, often in the back of the *skifteprotokoll* (probate book). The index can be found in the beginning or at the end of a probate book, and it can be in script or in type. If it is in "type" it means that the index was added later. The indexes are usually listed by the first letter of a given name. This is also the case with the online indexes. When you find your person in the index it will list the page number where you can search the probate entry.

The card indexes made by the Norwegian archives are by far the best indexes. It is more like an extract and arranged alphabetically by the name of the farm where the person lived. It includes the name of the deceased and spouse, date of the probate, page number in the actual record, names and often age children, and the value of the estate. These records can be searched on microfilm at the Family History Library as well as online at the Digital Archives of Norway.

If you have a transcript of the family information in a card index on microfilm or online and you feel that someone is missing, you can always go to that page listed and search the original probate. No one who had the right to inherit is left off. Even today, you cannot disinherit your children in Norway.

As with other genealogical sources, the probate records should be used in conjunction with all other sources available for the particular area where your ancestor lived. It is however a legal document, and seldom contains any serious errors, and should weigh heavily if you have conflicting information.

Probate card index online go to: <http://arkivverket.no/eng/digitalarkivet>

Choose "Digitized Probate Documents" (in the middle column), now choose "Velg protokolltype" choose "skiftekort" and hit "utfør." Look for your county then choose "your probate district" and search for your ancestor.

If you do not know your probate district go to the FamilySearch.org, then choose "search", then "catalog" and from the locality tab type the parish and county where your ancestor died. When the table of content for this parish appears choose probate records and it will give you the name of your probate district.

You should now be able to find you ancestor in the probate records and probate indexes.